App F IX-4

Previous References

195 4-55 (C M)

File No 39-54-

Serial Nos 50, 51, 56

P 19E

Later References

2d 121 54-100

MYSORE GOVERNMENT SECRETARIAT

Serial Nos 7 to 9

Part B for February 1955

SUBJECT

Exemption from Municipal Taxes to Technical Co-operation Mission

WD 06701—GPB—25,000—11 8 54

To The Joint Secretary
Government of India,
Ministry of External Affairs
L 13886/ dated 18 2 55
Forwards the letter of the Corporation

Sd Ramachandra
5/3/55

Mysore Government Secretariat | 6652 File No. of 1954-5 | [App F III 2

Serial No	
	To the Government of India (Ministry of External Affairs) Letter No F 15(83) PT II/52 dt 16/18-9-1954 Directs that the Personnel belonging to the Technical Co-operation Mission be granted Privileges and Immunities Enclosed. This relates to the grant of certain exemption from payment of Taxes to the Personnel of the Technical Co-operation Mission in India
2	The exemptions sought has been sought in respect of the following Taxes — Motor Car Taxes (ownership & circulation) Stamp duty Registration fee Terminal Tax (Corporation not Competent) Bicycle Taxes License fees perhaps octroi also
3	So far as the Corporation of the city of Bangalore is Concerned, it is Competent to levy the above Taxes

NOTE —Contn sheo

Exemption from municipal Taxes – T.C.M. Personnel

(2)

File No 6654/Md of 195

Mysore Government Secretariat

Serial No

But there is no provision in the Corporation Act (1949) to grant such exemptions to the T.C.M. personnel as suggested by the Government of India employed in Mysore State

4 The City Municipality Act 9/1933 and the V.P. Act 9/1951 contain general provisions for grant of such exemptions. Since the Corporation Act '49 has no such provision hence the exemptions cannot be granted

5 In the circumstances it is for orders whether the Government of India may be informed that such exemption cannot be granted in the so far as the Corporation of the City of Bangalore is concerned or a copy of their letter may be forwarded to the Corporation for disposal in the first instance

Pl 22/12 & 23/12 b) A — appl — The Report must be received within 8 days positively

28/4

Exemption from municipal Taxes - T C M Personnels

(3)

Mysore Government Secretariat | File No 6654/Rel 7995 of 1954-55 | [App F III 2

Serial No

7) Draft letter is for approval

29/12 30/12 8) Done

To

The Commissioner C&B

L. 12596/CR 39-54-55 & 13-1-55

Calls for report within 8 days

GA 18/1

9) Report is put up

C&B 28/1 10) Done

Ms 49/ RRoL 13162 /1-2-55

To

The Commissioner C&B

Advs no Ao PR 1258/54-55 & 31-1-55

Forwards the report

11) The Commissioner C&B is agreeable to grant exemption from payment of municipal Taxes to the Personnel of the Technical Co-operation Mission. They are as follows:-

Tax	Items of article
(a) Octroi duty	Electrical appliances Clothing & adornment Toilets Tobacco Products Petroleum

brought the personnel was informed that a maximum limit of each item to be allowed by them is fixed

NOTE -Contn sheet

Exemption from municipal Taxes — T-C & Personnels

(4)

File No 6654/Rel 7995 of 195

Mysore Government Secretariat

(b) Profession Tax — Profession — Serial No

(c) Vehicle Taxes — Bicycles and such modes of Conveyances as mean motor Vehicles belonging to the Personnels for their own use Provided they obtain a free Licence or Permission on application

12) The above exemptions are subject to Corporation Regs and for Penal & other matters the Joint Secretary Ministry of External Affairs & Govt of Govt of India will be intimated for orders with a draft

C 26/2 4/2

13) Draft letter for kindly

Secy Edn + Hy)

EDUCATION 14349 8 FEB 1955 GOVERNMENT OF MYSORE

13/2/55 Issue

Do

re Jt Secretary. G O 2 (External Affairs) L 13886/CM 39-54-57 dt 18-2-55 Forwards the letter of the Corporation

(Sd) B Lee Cees Secretary

C Corporation C&B L 13887-8 dt 18-2-55 Cy to Home Dept Cy to P.T General Secretary

B 18/2/55

WD 07074—GPE—80 C000 5-10 54

Confidential (1)

No F 15(83)-PI II/52,
Government of India,
Ministry of External Affairs,

New Delhi, the 16th/18th Sept 54

To

The Chief Secretaries,
All Part 'A' States/Part 'B' States/
Part 'C' States

Sir,

Subject Privileges and immunities of the personnel belonging to Technical Co-operation Mission
---

I am directed to state that by an agreement concluded on the 28th December 1950, the Government of India and the Government of the United States of America have undertaken to co-operate with each other in the interchange of technical knowledge and skills and in related activities designed to contribute to the balanced and integrated development of the economic resources and productive capacities of India As the State Governments are aware, in order to implement the provision of this Agreement, programmes and projects are being carried out with the assistance of the United States Technical Co-operation Mission which has assigned technical and other personnel to India for this purpose The American personnel connected with the Technical Cooperation Mission are of two categories viz,

(1) Headquarters staff of the T C M located in Delhi, and

(2) Experts, specialists and advisers

The services of experts, specialists and advisers have been placed at the disposal of the Government of India for specific purposes and they are generally assigned to the various projects, sponsored under the Agreement, in different parts of India

2 A statement containing a proposal from the American Embassy regarding the privileges and immunities for the staff of the Technical Co-operation Mission is attached as Annexure 'A' The States in which T C M personnel have at present been employed, are mentioned in Annexure 'B'

3 The Government of the United States of America have taken the policy position with respect to all countries receiving technical assistance that customs privileges and tax exemptions on income and personal property should be accorded to all American personnel assigned to the T C M programmes without distinction as to rank, type of work, or geographical residence Under the 1950 Agreement all employees of the Government of the United States of America assigned to the Technical Co-operation Mission work in India, and the accompanying members of their families are exempt from Indian Income-taxes with respect to salaries paid by the U S A Government and any non-Indian income They are also exempt from payment of customs and import duties on personal, household and professional effects and supplies including one personal automobile Duty is, however, leviable in respect of any such article if sold or disposed of within 3 years According to a second agreement concluded on 5th January, 1952, the Director of Technical Co-operation Mission and his Headquarters staff form part of the American Embassy and are accorded the privileges and immunities enjoyed by a Diplomatic Mission and its personnel The Technical Co-operation Mission, being an Agency of the Government of the United States of America, shares

shares fully in all the privileges and immunities, including immunity from suits in the courts of India which are enjoyed by the Government of the United States of America

4 The Government of India have had under consideration the nature of privileges and exemptions which should be accorded to the T C M personnel for the effective performance of their work in India Acting on the suggestion of the Government of India that the best solution to this problem would be to separate the Organisation from the Embassy and deal with its privileges as an independent Organisation, the American Embassy have put forward the proposal mentioned in Annexure 'A' The Government of India have assured the Embassy that, while it will not be possible for them to obtain for the T C M personnel full diplomatic privileges and exemptions, it will be their endeavour to accord them as many concessions as possible, subject to administrative convenience

5 The Government of India have agreed to grant the privileges mentioned in Section 'A' of the enclosed statement, and the exemptions stated in Sections B I (a) and (b) They have also agreed to extend all necessary official assistance in respect of legal proceedings arising out of non-official acts of the personnel vide Section 'D' The question of immunities mentioned in Section 'C' is under consideration by the Government of India

6 The State Governments are concerned with the exemptions mentioned at Section 'B' (2) of the statement Although it will be a good gesture to grant exemption from all taxation of a revenue raising nature, the Government of India consider that the administrative action involved in this connection should not be out of proportion to the extent of benefit derived by the personnel The Government of India accordingly propose that the T C M personnel may be exempted from all State taxes, the incidence of which falls directly on the personnel in question The T C M personnel could not receive exemption from those taxes for payment of which they are not legally liable but the incidence of which may be passed on to them by the manufacturers or retailers No exemption from Sales Tax may be granted if it is an indirect tax No exemption will be claimed from taxes which are in fact charges for services rendered or supplies made, and no exemptions from those Municipal taxes which are of a minor nature, need be granted to them It is also recommended that they may be exempted from all State and Municipal taxes on the import, export, use or ownership of property for the personal or household use, e g , motor car taxes, stamp duty, registration fee, terminal tax etc The Government of India would be grateful if the State Governments could kindly take appropriate measures for granting these exemptions to the T C M personnel This Ministry may kindly be furnished with a list of such of those taxes from which exemptions will be granted

7 A list of the personnel belonging to the United States Technical Co-operation Mission assigned to the various projects in different parts of the country and on the Director's staff at the headquarters will be forwarded to the State Governments for their information Any changes regarding the personnel will be intimated to the State Governments periodically

8 I am to request that the receipt of this letter may kindly be acknowledged

Yours faithfully,

Sd I S Chopra,
Joint Secretary

Copy with a copy of the enclosures forwarded to -

(1) Ministry of Finance (Economic Affairs Department)

(2) Ministry of Finance (Revenue Division)

(3) D G P & T , New Delhi It will be noticed from Annexure 'A' that exemption from radio taxes and licence fees has been requested by the American Embassy It is requested that the concurrence of the D G P & T in the proposal to grant free radio licences to the T C M personnel may kindly be communicated to this Ministry

By order etc ,

Sd xx
Under Secretary

- copy -

ANNEXURE 'A'

Privileges and Immunities proposed by the U S Embassy for the staff of the Technical Co-operation Mission

Privileges

To import one automobile, household effects including electrical appliances, articles of clothing and adornment, professional - equipment and supplies, and consumable supplies including food, toilet articles, liquors and tobacco products for the personal use of themselves and members of their families residing with them in India free of customs and import duties, with the understanding that customs and import duties, would become due and payable on the same basis as applied to officers of the Diplomatic Corps in the event of resale to non-privileged persons in India before the expiration of three years from the date of importation, and with the further understanding that all such privileged merchandise - and articles could be exported at any time without becoming subject to any customs, import or export duties

Exemptions

1 From income, social security or benefit taxes levied under the laws of any jurisdiction in India,

(a) On income derived, whether directly or indirectly, from TCM salaries, emoluments or contracts when such income is subject to income taxes levied by the United States Government,

(b) On income, profits and remittances derived from any - source outside of India

2 From taxes, tariffs, excises and duties levied under the laws of any jurisdiction in India on the import, export, use or ownership of property for the personal or household use of themselves and members of their families residing with them in India including, but not limited to, taxes on the registration, ownership and circulation of motor vehicles, bicycle taxes and license fees, radio taxes and license fees, taxes and duties on petroleum products, and sales taxes on articles and commodities purchased in India

Immunities

1 From civil legal proceedings for the enforcement of any judgment, award, restraint or injunction against them by any jurisdiction in India arising from any act of omission or commission in the performance of official duties

2 From criminal legal proceedings by any jurisdiction in India regarding offenses arising from any act of omission or commission in the performance of official duties

D Official assistance

With respect to civil and criminal legal proceedings not arising out of the performance of official acts therefore not subject to immunity, the Ministry of External Affairs will use its good offices in seeking equitable settlement

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ANNEXURE 'B'

STATES WHERE T & M PERSONNEL ARE AT PRESENT EMPLOYED

(1) Bihar
(2) Bombay
(3) Madhya Pradesh
(4) Madras
(5) Punjab
(6) Uttar Pradesh
(7) West Bengal
(8) Hyderabad
(9) Mysore
(10) Patiala & East Punjab States Union
(11) Rajasthan
(12) Travencore-Cochin
(13) Bhopal
(14) Delhi
(15) Himachal Pradesh

- copy -

SPS
MSK 19/10

(5)

Confidential

MYSORE GOVT. INTELLIGENCE
6654
16 DEC 1954
MUNICIPAL BRANCH

No. F. 15(83)-PT II/52,
Government of India,
Ministry of External Affairs,

New Delhi, the 16th/18th Sept 54

To C M 39-54-50

The Chief Secretaries,
All Part 'A' States/Part 'B' States/
Part 'C' States

Sir,

Subject Privileges and immunities of the personnel belonging to Technical Co-operation Mission

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I am directed to state that by an agreement concluded on the 28th December 1950, the Government of India and the Government of the United States of America have undertaken to co-operate with each other in the interchange of technical knowledge and skills and in related activities designed to contribute to the balanced and integrated development of the economic resources and productive capacities of India As the State Governments are aware, in order to implement the provision of this Agreement, programmes and projects are being carried out with the assistance of the United States Technical Co-operation Mission which has assigned technical and other personnel to India for this purpose The American personnel connected with the Technical Cooperation Mission are of two categories viz,

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2 A statement containing a proposal from the American Embassy regarding the privileges and immunities for the staff of the Technical Co-operation Mission is attached as Annexure 'A' The States in which T C M personnel have at present been employed, are mentioned in Annexure 'B'

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shares fully in all the privileges and immunities, including immunity from suits in the courts of India which are enjoyed by the Government of the United States of America

4 The Government of India have had under consideration the nature of privileges and exemptions which should be accorded to the T C M personnel for the effective performance of their work in India Acting on the suggestion of the Government of India that the best solution to this problem would be to separate the Organisation from the Embassy and deal with its privileges as an independent Organisation, the American Embassy have put forward the proposal mentioned in Annexure 'A' The Government of India have assured the Embassy that, while it will not be possible for them to obtain for the T C M personnel full diplomatic privileges and exemptions, it will be their endeavour to accord them as many concessions as possible, subject to administrative convenience

5 The Government of India have agreed to grant the privileges mentioned in Section 'A' of the enclosed statement, and the exemptions stated in Sections B I (a) and (b) They have also agreed to extend all necessary official assistance in respect of legal proceedings arising out of non-official acts of the personnel vide Section 'D' The question of immunities mentioned in Section 'C' is under consideration by the Government of India

6 The State Governments are concerned with the exemptions mentioned at Section 'B' (2) of the statement Although it will be a good gesture to grant exemption from all taxation of a revenue raising nature, the Government of India consider that the administrative action involved in this connection should not be out of proportion to the extent of benefit derived by the personnel The Government of India accordingly propose that the T C M personnel may be exempted from all State taxes, the incidence of which falls directly on the personnel in question The T C M personnel could not receive exemption from those taxes for payment of which they are not legally liable but the incidence of which may be passed on to them by the manufacturers or retailers No exemption from Sales Tax may be granted if it is an indirect tax No exemption will be claimed from taxes which are in fact charges for services rendered or supplies made, and no exemptions from those Municipal taxes which are of a minor nature, need be granted to them It is also recommended that they may be exempted from all State and Municipal taxes on the import, export, use or ownership of property for the personal or household use, e g , motor car taxes, stamp duty, registration fee, terminal tax etc The Government of India would be grateful if the State Governments could kindly take appropriate measures for granting these exemptions to the T C M personnel This Ministry may kindly be furnished with a list of such of those taxes from which exemptions will be granted

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By order etc ,

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Under Secretary

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1 From civil legal proceedings for the enforcement of any judgment, award, restraint or injunction against them by any jurisdiction in India arising from any act of omission or commission in the performance of official duties

2 From criminal legal proceedings by any jurisdiction in India regarding offenses arising from any act of omission or commission in the performance of official duties

Official Assistance

With respect to civil and criminal legal proceedings not arising out of the performance of official acts therefore not subject to immunity, the Ministry of External Affairs will use its good offices in seeking equitable settlement

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(4) Madras
(5) Punjab
(6) Uttar Pradesh
(7) West Bengal
(8) Hyderabad
(9) Mysore
(10) Patiala & East Punjab States Union
(11) Rajasthan
(12) Travencore-Cochin
(13) Bhopal
(14) Delhi
(15) Himachal Pradesh.

- copy -

(9)

Appendix F G —1]

SUBJECT Exemption from Municipal Taxes to CTM Personnel

Diary No of letter replied to 6654

Mysore Government Secretariat

( )

the *195*

Date of issue

Signed by

(Sd/- illegible)

List of enclosures

Copied by

Examined by

Section CM

File No 39-54

Serial No 51

No L 12596/S

To 13-1-55

To Commissioner CBD

Mayo Rd

Sir

I am directed to forward herewith a copy of the letter No. F 15(83) PT 11/52 dated 16/18-9-54 received from the Government of India for kindly furnishing your opinion in the matter within eight days positive

Yours

Asst Secy

WD 04859—GPB—40 000—22-1-54

(10)

CORPORATION OF THE CITY OF BANGALORE.

No A3 Pr 1258/54-55

1799 5-

CORPORATION OFFICES,
BANGALORE

Dated 31st January 195 5

FROM

THE COMMISSIONER,
CORPORATION OF THE CITY OF BANGALORE,
BANGALORE

2 FEB 955

To

The Secretary to the Government of Mysore,
Education and L.S G Departments,
Bangalore.

C.M 39-54-56

SIR,

Subject Grant of exemption from payment of Municipal Taxes to the T C M Personnel.

Ref Your letter No L 112596/C M 39-54-51 dated 13-1-1955

With reference to your letter quoted above, I write to state that the electric appliances, articles of clothing and adornment, toilet articles, tobacco products, patroleum brought by the T C M Personnels are subjected to the levy of octroi and the personnels may be exempted from payment on these articles brought for their personal use provided that a maximum quantity of each item to be brought by them is fixed

Secondly if any T.C M Personnel stays in Bangalore for more than 60 days in any half year and if their income exceeds the prescribed amount, he is subject to the levy of profession tax, but the T C M personnel may be given exemption from payment of profession tax even if they reside in Corporation limits for more than 60 days in any half year The T C M Personnels is understood to be not entitled to the benefit of ownership of any immovable properties and as such, the question of exempting them from payment of property tax does not arise

The T C M personnel should not be exempted from those taxes for payment of which they are not directly and legally liable All the bicycles and the other mode of conveyances other than the motor vehicles belonging to the T C M personnels for their own use may also be exempted from payment of vehicle taxes provided they obtain a free disc or permission for each of

(11)

such vehicle on making an application to the Corporation duly furnishing the requisite information

Forwarded with compliments

(V P. Deenadayalu Naidu,)
MAYOR

Yours faithfully,

(K Henjerappa,)
COMMISSIONER

TNL/-

8 Copy (12)

Appendix F G —1]

SUBJECT Grant of exemption from Payment of Municipal Taxes Govt Technical Cooperation Mission

Diary No of letter replied to 6654

Mysore Government Secretariat

( )

the 195

Date of issue

Signed by

Section CA

File No 35-54

Serial No 57

No L 13886/E1/18-2-55

To The Joint Secretary Municipal & External Affairs G O 2

Ref your letter no F 15-(83) PT II/52 dated 16/18-9-1954

Please refer to the above letter received.

With reference to the above, I am directed to forward herewith a Copy of the letter received No. AB PR 1258/54-55 dated 31-1-1955 received from the

List of enclosures

Copied by

Examined by

WD 04859—GPB—40 000—22-1-54

(13)

Commissioner can
circulate a Statutory
exemption from Payment
of municipal Taxes,
so far as his Corporation
Flat City of Bangalore
is concerned for favour
of information ~~and necessary~~
~~action~~

Y. L
D
13
~~Secretary~~
Secretary
Edn & Labour
Govt

L 13887-8/E1
18-2-55

Copy to his Comm can
" City Secretary
" Home Branch
" T.M & Genl Section.

Govt
Yes

GOVERNMENT OF MYSORE

No L 13886/Eg(1) 54-55 Mysore Government Secretariat,

Dated Bangalore, 18-2-1955

FROM

The Secretary to the Government of Mysore,
Education & L.A.G.Departments

To

The Joint Secretary,
Ministry of External Affairs,
Government of India, New Delhi.

Sir,

Subject: Grant of exemption from payment of municipal taxes to the Technical co-operation Mission.

Reference: Your letter No.F.15 (63) P.I.11/52 dated 16/18th September 1954.

With reference to the above, I am directed to forward herewith a copy of the letter No.M3.P...1288/54-55 dated 31-1-1955 received from the Commissioner, Corporation of the City of Bangalore in respect of granting exemption from payment of municipal taxes, so far as the Corporation of the City of Bangalore is concerned for favour of information.

Yours faithfully,
D. B.N.Krishnan

Secretary to Government,
Education & L.A.G.Departments.

knr-P/16.2 Memo No.L. 13887-87/18-2-55

Copy of the above is forwarded to:-

1. The Chief Secretary to Government of Mysore,
2. The Commissioner, Corporation of the City of Bangalore thro' the Mayor.

(V.Harumanthappa)
for Secretary to Government,
Education & L.A.G.Departments.

Copy to:-

1. Home Department
2. Town Municipalities and General Section.

GOVERNMENT OF MYSORE

No 43886/E on 39-54-55

Mysore Government Secretariat,

Dated Bangalore, 18-2-1955

FROM

The *Secretary to the Government of Mysore,*
Education & L. .G.Departments

To

The Joint Secretary,
Ministry of External Affairs,
Government of India, New Delhi.

Sir,

Subject: Grant of exemption from payment of municipal taxes to the Technical co-operation Mission.

Reference: Your letter No. .15 (83) P.I.11/52 dated 16/19th September 1954.

With reference to the above, I am directed to forward herewith a copy of the letter No.43.P...1258/54-55 dated 31-1-1955 received from the Commissioner, Corporation of the City of Bangalore in respect of granting exemption from payment of municipal taxes, so far as the Corporation of the City of Bangalore is concerned for favour of information.

Yours faithfully,
(D. B.Murthishnan)

Secretary to Government,
Education & L.G.Departments.

krr-P/16.2 Memo No.L. 13883-8/18-2-55

Copy of the above is forwarded to:-

1. The Chief Secretary to Government of Mysore.
2. The Commissioner, Corporation of the City of Bangalore thro' the Mayor.

(V.Hanumanthappa)
for Secretary to Government,
Education & L.G.Departments.

Copy to:-

1. Home Department
2. Town Municipalities and General Section.

$N_C = 4$
14